

REMARKS

Claims 1 - 8 and 10 - 13 remain in the application and claims 1 - 5, 12, and 13 have been amended hereby. Claim 9 has been cancelled, without prejudice or disclaimer.

The title of the invention has been amended to read - - APPARATUS AND METHOD FOR PRODUCING AND MANAGING DATA FOR OPTIMIZING THE DELIVERY OF MULTIMEDIA CONTENT --, as requested in the Office Action at paragraph 4.

Claims 2 and 5 have been amended to correct the errors pointed to in the Office Action at paragraphs 5 and 6 and claim 9 has been cancelled.

Reconsideration is respectfully requested of the rejection of claim 4 under 35 USC 112, second paragraph, as being indefinite.

Claim 4 has been amended to recite a manual designating means for manually designating a delivery resource by a user.

Accordingly, it is respectfully submitted that amended claim 4 is clear and definite in its recitation of the present invention and meets all requirements of 35 USC 112.

Reconsideration is respectfully requested of the rejection of claims 1 - 7 and 9 -13 under 35 USC 102(e), as being anticipated by Kusaba et al.

Features of the present invention are an automatic assignment means for automatically calculating a minimum bandwidth and transmission time necessary for delivering a selected content and for assigning the calculated minimum bandwidth and transmission time as an initial value of an

assigned delivery resource. See 406 in Fig. 3, 504 in Fig. 4, page 13, lines 4 - 10, and page 16, lines 12 - 17 of the present application, for example.

Independent claims 1, 2, 12, and 13 have been amended to recite these features of the present invention.

Looking at Kusaba et al. we see that there is no automatic assignment means for automatically calculating a minimum bandwidth and transmission time necessary for delivering a selected content and for assigning the calculated minimum bandwidth and transmission time as an initial value of an assigned delivery resource. Kusaba et al. is merely teaching a method for enabling a user to select programs to watch based on channel numbers, titles, and start times and is silent about the calculation of minimum bandwidths necessary for delivering the programs using an assigned delivery resource.

Accordingly, it is respectfully submitted that amended independent claims 1, 2, 13, and 14 and the claims depending therefrom, are not anticipated by Kusaba et al.

Reconsideration is respectfully requested of the rejection of claim 8 under 35 USC 103(a), as being unpatentable over Kusaba et al. in view of King et al.


Claim 8 depends from claim 1, which rejection over Kusaba et al. has been addressed above and, because there are no features in King et al. that somehow could be combined with Kusaba et al. and result in the presently claimed invention, it is respectfully submitted that claim 8 is patentable distinct over Kusaba et al. in view of King et al.

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Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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